

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:13-cr-00026-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
PATRICK LAYNE GRIFFIN,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER is before the Court on the Defendant's letter, which the Court construes as a motion to modify his sentence. [Doc. 44].

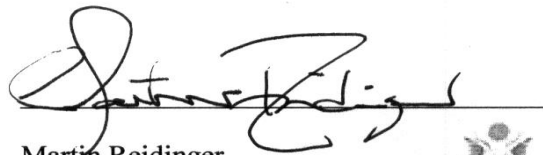
On April 2, 2013, the Defendant was charged in a Bill of Indictment with possession of a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Doc. 1]. On June 18, 2013, a jury found the Defendant to be guilty of this charge. [Doc. 26]. The Defendant was sentenced on February 11, 2014 to a term of 24 months' imprisonment. [Doc. 40]. The Defendant did not appeal his conviction or sentence to the Fourth Circuit Court of Appeals. The Defendant now moves the Court to modify the Judgment so that he can complete the remainder of his sentence on home detention. [Doc. 44].

The Defendant's motion must be denied. Pursuant to 18 U.S.C. § 3582(c), the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's motion for a modification of his sentence must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a motion to modify his sentence [Doc. 44] is **DENIED**.

IT IS SO ORDERED.

Signed: May 15, 2014


Martin Reidinger
United States District Judge



